



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/509,330

10/07/2004

Akira Shinada

258512US6PCT

7135

22850

7590

08/25/2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MEHMOOD, JENNIFER

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

54

Office Action Summary	Application No. 10/509,330	Applicant(s) SHINADA, AKIRA	
	Examiner Jennifer A. Mehmood	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-10 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 6, 8, 9, 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1 and 10 is/are rejected.
- 7) ☐ Claim(s) 5-9, and 13-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>20060809</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/2/2005, 10/7/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show text labeling for Fig. 2, items 16-18, 20, 35, 29, and 31 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Amendment

2. The amendment to the claims filed on October 7, 2004 do not comply with the requirements of 37 CFR 1.121(c) because: 1) The status identifiers of claims 13-16 are incorrect and should be changed from "Added" to "New". 2) The amended claims must be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recites the limitation "the side-mirror apparatus" in lines 1, 3-5, 8, 9, and 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

5. Claims 7, 13, and 14 are objected to because of the following informalities: The claims are dependent upon cancelled claims. Appropriate correction is required. In a telephone interview with the Applicant's representative, the Examiner confirmed that claims 7, 13 and 14 depend from claim 1.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Kitawaki (JP 2001-130324).

Kitawaki discloses a side-mirror apparatus for an automobile to be drawn out to a drawn-out position so as to obtain a field of view in a rear direction (paragraph 0009; figures 1 and 2, item 2) and to be stored when not in use (parag 0027, lines 9-14), the side-mirror apparatus for the automobile characterized by comprising: imaging means, on a substantial end portion of an outer casing of the side mirror apparatus (Figs. 1 and 2, item 4; parag 0010, Ins 1-6), for obtaining a field of view in a direction substantially orthogonal to a field of view of the side-mirror apparatus (Figs. 1 and 2, item 400; parag 0018, Ins 8-24) wherein the imaging means obtains a field of view in a side direction when the side-mirror apparatus is in a drawn-out position and the imaging means obtains a field of view in a rear direction when the side-mirror apparatus is in a stored position (Fig. 1; parag 0027, Ins 1-14).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2612

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Yanagawa (JP 2000-108786).

Yanagawa discloses a side-mirror apparatus for an automobile comprising a first mirror, for obtaining a field of view in a rear direction when the side-mirror apparatus for the automobile is drawn out to a drawn-out position and being stored when not in use (paragraph 0005, lines 1-10; Figs. 1 and 8, 9, item 1), the side-mirror apparatus for the automobile characterized by comprising: a second side mirror, which is a convex mirror (parag 0005, lns 9-14; Fig. 2, 3, item 2), provided on substantially an end portion of an outer casing of the side-mirror apparatus, wherein the second mirror obtains a field of vision to the rear when the side-mirror apparatus is in a stored position (Figs. 6, 7; page 7 – see descriptions of Figs. 6, 7).

Allowable Subject Matter

10. Claims 5-9, and 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Shunji (JP9-142213-A) discloses a side-view mirror for a vehicle which includes a sub-mirror located on the end of the casing for the side-view mirror housing.

Shusaku (JP2003-125396-A) discloses a side-view mirror for a vehicle which includes an imaging device located on the end of the casing for the side-view mirror housing that photographs 360 degrees about the perimeter of a vehicle.

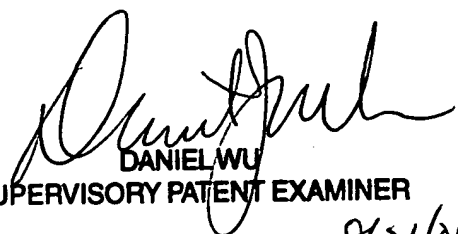
Keirstead (US 6,693,519) and Breed et al. (US 2002/0005778) disclose an imaging device located on the end of a side-view mirror.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Mehmood whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Daniel Wu, can be reached at (571) 272.2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer A. Mehmood
August 10, 2006


DANIEL WU
SUPERVISORY PATENT EXAMINER
8/21/06